

MAINE STATE LEGISLATURE

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Second Regular Session

January 7, 2004 - January 30, 2004

Second Special Session

February 3, 2004 - April 7, 2004

Pages 777-1562

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act To Establish the Locally Governed Water District Act" (S.P. 447) (L.D. 1359)

Signed:

Representatives:

- RINES of Wiscasset
- FLETCHER of Winslow
- ADAMS of Portland
- BERRY of Belmont
- GOODWIN of Pembroke
- CRESSEY of Baldwin
- RICHARDSON of Skowhegan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-131)** on same Bill.

Signed:

Senators:

- HALL of Lincoln
- BROMLEY of Cumberland
- YOUNGBLOOD of Penobscot

Representatives:

- LUNDEEN of Mars Hill
- MOODY of Manchester
- BLISS of South Portland

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

READ.

On motion of Representative BLISS of South Portland, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

On motion of Representative O'BRIEN of Augusta, the House **RECONSIDERED** its action whereby the Bill and all accompanying papers were **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 215

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Blanchette, Bliss, Bowen, Bowles, Breault, Brown R, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Daigle, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Goodwin, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Kane, Ketterer, Landry, Ledwin, Lemoine, Lessard, Lewin, Lundeen, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKenney, McNeil, Mills J, Mills S, Moody, Moore, Norbert, Norton, Nutting, O'Brien L, O'Neil, Patrick, Peavey-Haskell, Pellon, Perry A, Perry J, Pineau, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rosen, Sampson, Saviello, Simpson, Smith N, Stone, Sullivan, Sykes, Tardy, Thomas, Tobin D, Tobin J, Twomey, Vaughan, Walcott, Watson, Wheeler, Woodbury, Young, Mr. Speaker.

NAY - Bierman, Browne W, Clough, Cummings, Davis, Glynn, Koffman, Laverriere-Boucher, Lerman, Maietta, McLaughlin, Murphy, Muse, O'Brien J, Paradis, Percy, Pingree, Rogers, Sherman, Shields, Smith W, Snowe-Mello, Sukeforth, Suslovic, Trahan, Treadwell, Wotton.

ABSENT - Brannigan, Curley, Dugay, Duprey B, Fletcher, Hutton, McKee, Millett, Thompson, Usher.

Yes, 114; No, 27; Absent, 10; Excused, 0.

114 having voted in the affirmative and 27 voted in the negative, with 10 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-217)** on Bill "An Act To Improve the State's Returnable Bottle Law and Adjust Handling Fees" (S.P. 326) (L.D. 985)

Signed:

Senators:

- BROMLEY of Cumberland
- HALL of Lincoln

Representatives:

- SULLIVAN of Biddeford
- O'BRIEN of Lewiston
- DUPREY of Medway
- PELLON of Machias
- SMITH of Monmouth
- JACOBSEN of Waterboro

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-218)** on same Bill.

Signed:

Senator:

- SHOREY of Washington

Representatives:

- AUSTIN of Gray
- BERUBE of Lisbon
- RECTOR of Thomaston
- ROGERS of Brewer

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-217) AS AMENDED BY SENATE AMENDMENT "B" (S-250)** thereto.

READ.

Representative SULLIVAN of Biddeford moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. Truly I do not want to stand before you, lunch and adjournment. Believe me, I don't want to stand before me, lunch and adjournment. This is the famous bottle bill that you have heard so much about. The report in front of you really is not the true report. Since that time there have been several meetings

and it is not a unanimous report, but very close to a compromise that every side can live with. Nobody comes away happy. Certainly I am not happy with what I had wanted. Both sides of the aisle are not necessarily happy. Redemption centers are not necessarily happy nor are the distributors, but there is movement and the most important thing about this bottle bill is it moves us in the way of public policy to what everybody has said they want and to what the people who have worked on the last two study committees have worked and worked for and that was commingling. Commingling will cut down sorts from about 300 to, we have firm commitment because there is an incentive to commingle to probably less than 50. It is a real move for our redemption centers. It is a move for our distributors. Everybody has signed on and been at the table, unlike other times. There is not a side missing. Political, business, both the redemption side and the supplier side, everybody has been there and the winner, the real winner, is the fact that it moves our environmental message forward. It moves public policy forward to a place where we can say, yes, Maine's bottle bill is doing what they had originally decided that this bottle bill should do.

I am pleased to be able to offer this. We are ready to go. This is the compromise and I would like you to vote on it. Now that I am sure it is on the bill, we are all set. I would ask you to support this and move us forward.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative MCKENNEY: Point of Order Mr. Speaker. I believe that the chair moved the Majority Report with Committee Amendment (S-217) on it. I think she may be talking about Senate Amendment (S-250).

The SPEAKER: What is before the body is the Majority Ought to Pass as Amended Report as amended by Committee Amendment "A" (S-217) as amended by Senate Amendment "B" (S-250) thereto. That is what is before the body.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Clough.

Representative CLOUGH: Mr. Speaker, Men and Women of the House. I just wanted to comment that I served on the Business and Economic Development Committee in the last two terms and on this study commission on the bottle bill for the last two years. I want to compliment the committee and those that worked on this final amendment for the work that they have done. Given all the things that come into play with this situation, we are at probably the best place we could be at this particular time to accomplish the long-term goal of ultimately getting everything commingled and really bringing the cost of managing these businesses down to a lower level. The problem we have at the present time is that with 200 sorts plus and the space that is required and the man power that is required, it is difficult for these people to make a good living. This bill gets us headed in the right direction. I think along with the rule changes that have been made by the Department of Agriculture to enable them to collect the information needed for the next step. It is a great move and I support the bill as presented.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Kaelin.

Representative KAELIN: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative KAELIN: Mr. Speaker, Ladies and Gentlemen of the House. To anyone, I have a small bottler of wine in Winterport, I have been trying to follow this issue for the last two or three weeks working with that bottler, and it is my understanding that there was a broad 50,000 gallon exemption that affected vintners in all the aspects. When I look, however,

on Senate Amendment (S-250), I don't see wineries specifically discussed in the exemptions that extend to brewers. My question is are vintners handled the same way that brewers are throughout the bill in all aspects, handing, commingling and everything else as was my understanding? Thank you.

The SPEAKER: The Representative from Winterport, Representative Kaelin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. The good Representative from Winterport, Representative Kaelin, asked an excellent question. We handle anybody that does not produce a certain amount of volume, 50,000 gallons, I believe, all our small breweries, wineries are exempt from any future commingling because they don't have 50 percent. They also would not pay that half penny increase. We have exempted them and we have exempted small water companies also that produce in gallon jugs by numbers. That is the piece that was added on in the other chamber. I believe they are taking care of. It is the intent of the committee to have it defined that way. It was actually the appearance of many small microbreweries that led the committee to do this. I think we have taken care of your constituent.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

A vote of the House was taken. 119 voted in favor of the same and 4 against, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-217)** was **READ** by the Clerk.

Senate Amendment "B" (S-250) to **Committee Amendment "A" (S-217)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-217) as Amended by Senate Amendment "B" (S-250) thereto was **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-217) as Amended by Senate Amendment "B" (S-250)** thereto in concurrence. **ORDERED SENT FORTHWITH**.

Reference was made to Bill "An Act to Revise the Reimbursement by the County Jail Prisoner Support and Community Corrections Fund and To Provide Additional Support to County Jails"

(S.P. 390) (L.D. 1186)

In reference to the action of the House on May 29, 2003, whereby it Insisted and Joined in a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative BUNKER of Kossuth Township
 Representative BLANCHETTE of Bangor
 Representative RECTOR of Thomaston

ENACTORS
Resolves

Resolve, Regarding the Operation of the Maine Registry of Certified Nursing Assistants

(H.P. 224) (L.D. 281)
 (C. "A" H-542)